

George A. Riley (S.B. #118304) griley@omm.com
Luann L. Simmons (S.B. #203526) lsimmons@omm.com
Melody Drummond Hansen (S.B. #278786) mdrummondhansen@omm.com
O'MELVENY & MYERS LLP
Two Embarcadero Center, 28th Floor
San Francisco, California 94111-3823
Telephone: (415) 984-8700
Facsimile: (415) 984-8701

Ryan K. Yagura (S.B. #197619) ryagura@omm.com
Xin-Yi Zhou (S.B. #251969) vzhou@omm.com
Brian M. Cook (S.B. #266181) bcook@omm.com
Kevin Murray (S.B. #275186) kmurray2@omm.com
O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, California 90071-2899
Telephone: (213) 430-6000
Facsimile: (213) 430-6407

Attorneys for Defendant
APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

OpenTV, Inc., and Nagravision, SA,

Plaintiffs and
Counterdefendants,

v.

Apple Inc.,

Defendant and
Counterplaintiff.

Case No. 3:14-cv-01622-JST

**APPLE INC.'S STATEMENT OF
RECENT DECISIONS RELATING TO
APPLE'S MOTION TO DISMISS (ECF
97, 106)
[CIVIL L.R. 7-3(d)(2)]**

Pursuant to Civil Local Rule 7-3(d)(2), defendant Apple Inc. respectfully submits as supplemental authority in support of Apple's Motion to Dismiss Plaintiffs' Third Amended Complaint (ECF 97 and 106), the following recent decisions issued after the filing of Apple's reply brief:

- 1) *Hewlett-Packard Company v. ServiceNow, Inc.*, Case No. 5-14-cv-00570, ECF 101 (N.D. Cal. Mar. 10, 2015)
- 2) *Clear With Computers, LLC v. Altec Industries, Inc.*, Case No. 6-14-cv-00079, 2015 WL 993392 (E.D. Tex. March 3, 2015)
- 3) *Intellectual Ventures I LLC v. Motorola Mobility LLC*, Case No. 1-11-cv-00908, 2015 WL 846532 (D. Del. Feb. 24, 2015)
- 4) *Essociate, Inc. v. Clickbooth.com LLC*, Case No. 8:13-cv-01886 (C.D. Cal. Feb. 11, 2015)
- 5) *Enpat, Inc. v. Tenrox, Inc.*, Case No. 6:13-cv-00948, 2015 WL 541673 (M.D. Fla. Feb. 10, 2015)
- 6) *In Re TLI Communication LLC Patent Litigation*, Case No. 1:14-MD-2534, 2015 WL 627858 (E.D. Va. Feb. 6, 2015).
- 7) *Minitab, Inc. v. EngineRoom, LLC*, Case No. 4:12-cv-02170 (M.D. Pa. Feb. 3, 2015)
- 8) *Vehicle Intelligence and Safety LLC v. Mercedes-Benz USA LLC*, Case No. 1:13-cv-04417, 2015 WL 394273 (N.D. Ill. Jan. 29, 2015)

Each of the identified decisions involves a determination of patent eligibility pursuant to 35 U.S.C. § 101 and the application of *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 134 S. Ct. 2347 (2014). Pursuant to Civil Local Rule 7-3(d)(2), the identified decisions are attached to this notice as Exhibits 1-8.

1 Dated: March 16, 2015

O'MELVENY & MYERS LLP

2
3 By: /s/ Luann L. Simmons

4 Luann L. Simmons
Attorneys for Defendant
Apple Inc.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28